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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,011	06/15/2000	Tooru Kamibayashi	04329.2320	9094

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EXAMINER	
GYORFI, THOMAS A	

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/594,011	KAMIBAYASHI ET AL.	
	Examiner	Art Unit	
	Tom Gyorfi	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *26 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6,8-10,13,15,16,18 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6,8-10,13,15,16,18 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/9/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3, 6, 8-10, 13, 15, 16, 18, and 19 remain for examination. The correspondence filed 10/26/05 amended claims 1-3, 6, 8-10, 15, 16, 18, and 19.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/9/05 was filed after the mailing date of the Office Action on 7/27/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 6, 8-10, 13, 15, 16, 18, and 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3, 6, 8-10, 13, 15, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traw (U.S. Patent 5,949,877), Harari et al. (U.S. Patent 5,602,987), Watanabe (U.S. Patent 5,450,366), Yasu et al. (U.S. Patent 5,912,849), and Sibigtroth (U.S. Patent 5,432,950).

Referring to Claims 1, 2 and 9:

Traw discloses a storage medium comprising:

a specified storage area on which revocation information is registered, the revocation information being used to determine whether or not use of the storage medium by an electronic device is to be revoked (col. 6, lines 45-55). Further, Traw also discloses a controller which determines whether or not use of the storage medium by an electronic device which attempts to access to the storage medium is to be revoked (col. 3, lines40-45), based on the revocation information registered on the specified storage area and information sent from the electronic device (col. 3, lines 30-454; col. 6, lines 45-60), wherein the controller sends a key needed for a content exchange to the electronic device when the controller does not determine that use of the storage medium by the electronic device is to be revoked (col. 8, lines 30-55), and wherein a content which is encrypted using the key is written on a predetermined storage area of the storage medium by the electronic device (col. 8, lines 40-55).

Traw does not explicitly disclose wherein the storage medium is a memory card, nor that the disclosed controller is embedded within the memory card; however, it should be noted that the list of permissible media includes magnetic disk drives [i.e. floppy disks and hard drives], but is open-ended (col. 12, lines 15-20). Harari discloses a memory card storage medium (col. 2, lines 54-59) comprising a controller embedded in the memory card (col. 5, lines 5-20 and Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a memory card similar to that disclosed by Harari as the media to be protected by the invention

disclosed by Traw. One would be motivated to do so because the invention disclosed by Harari constitutes an improvement over magnetic disk drives (Harari, col. 1, lines 17-23 and 45-50).

Neither Traw nor Harari disclose a storage portion including a secret area which is capable of being accessed by a specific secret procedure. However, Watanabe discloses a memory card comprising a secret area which is capable of being accessed by a specific secret procedure (col. 6, line 58 – col. 7, line 5). It would have been obvious to partition the storage area in the memory card used in the combination of Traw and Harari. The motivation for doing so would be to make it possible to safely contain copyrighted material without permitting infringement (col. 2, lines 50-55).

Traw, Harari, and Watanabe are silent regarding the public area of the memory card including both a rewritable public area and a read-only public area. However, Yasu discloses a memory card including both a rewritable public area and a read-only public area (col. 2, lines 20-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to partition the publically accessible memory of the memory card in the previously disclosed combination into rewritable and read-only portions. The motivation for doing so would be to be able to use the same type of physical memory circuitry that can be substituted with both conventional RAM and ROM devices (col. 2, lines 55-60).

The above combination of references does not stipulate that the read-only public area of the memory card contains revocation information, nor that the revocation information stored in said read-only public area is necessarily used to determine that

usage of the memory card by an electronic device is to be revoked. However, Sibigtroth discloses those limitations (col. 1, line 55 – col. 2, line 5; col. 7, lines 45-60; Figures 2 and 5). It would have been obvious to include revocation information such as found in Sibigtroth to protect the contents of memory in the above combination. The motivation for doing so would be to enhance the protection of the memory card against unauthorized read and write accesses (Sibigtroth, col. 1, lines 19-21).

Referring to Claim 8:

Traw disclose a contents protection method comprising the steps of:

providing a specified storage area on storage medium and registering revocation information on the specified storage area, the revocation information being used to determine whether or not use of the storage medium by an electronic device is to be revoked (col. 6, lines 45-55);

determining [by a controller on a memory card] whether or not use of the storage medium by an electronic device which attempts to access to the storage medium is to be revoked (col. 3, lines40-45), based on the revocation information registered on the specified storage area and information sent from the electronic device (col. 3, lines 30-454; col. 6, lines 45-60); sending a key needed for a content exchange to the electronic device when it is not determined that use of the storage medium by the electronic device is to be revoked (col. 8, lines 30-55); and

writing a content which is encrypted using the key on a predetermined storage area of the storage medium by the electronic device (col. 8, lines 20-50).

Traw does not explicitly disclose wherein the storage medium is a memory card, nor that the disclosed controller is embedded within the memory card; however, it should be noted that the list of permissible media includes magnetic disk drives [i.e. floppy disks and hard drives], but is open-ended (col. 12, lines 15-20). Harari discloses a memory card storage medium (col. 2, lines 54-59) comprising a controller embedded in the memory card (col. 5, lines 5-20 and Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a memory card similar to that disclosed by Harari as the media to be protected by the invention disclosed by Traw. One would be motivated to do so because the invention disclosed by Harari constitutes an improvement over magnetic disk drives (Harari, col. 1, lines 17-23 and 45-50).

Neither Traw nor Harari disclose a storage portion including a secret area which is capable of being accessed by a specific secret procedure. However, Watanabe discloses a memory card comprising a secret area which is capable of being accessed by a specific secret procedure (col. 6, line 58 – col. 7, line 5). It would have been obvious to partition the storage area in the memory card used in the combination of Traw and Harari. The motivation for doing so would be to make it possible to safely contain copyrighted material without permitting infringement (col. 2, lines 50-55).

Traw, Harari, and Watanabe are silent regarding the public area of the memory card including both a rewritable public area and a read-only public area. However, Yasu discloses a memory card including both a rewritable public area and a read-only public area (col. 2, lines 20-67). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to partition the publically accessible memory of the memory card in the previously disclosed combination into rewritable and read-only portions. The motivation for doing so would be to be able to use the same type of physical memory circuitry that can be substituted with both conventional RAM and ROM devices (col. 2, lines 55-60).

The above combination of references does not stipulate that the read-only public area of the memory card contains revocation information, nor that the revocation information stored in said read-only public area is necessarily used to determine that usage of the memory card by an electronic device is to be revoked. However, Sibigtroth discloses those limitations (col. 1, line 55 – col. 2, line 5; col. 7, lines 45-60; Figures 2 and 5). It would have been obvious to include revocation information such as found in Sibigtroth to protect the contents of memory in the above combination. The motivation for doing so would be to enhance the protection of the memory card against unauthorized read and write accesses (Sibigtroth, col. 1, lines 19-21).

Referring to Claims 3, 10, 15 and 18:

The above combination disclose the limitation of Claims 1, 2, 8 and 9 above. Traw further discloses the controller determines that use of the memory card by the electronic device should be revoked, a subsequent process is halted (col. 8, lines 10-15).

Referring to Claims 6, 13, 16 and 19:

The above combination discloses the limitation of Claims 1, 2, 8 and 9 above. Traw further discloses the read-only public area is a storage area provided on a read-only non-volatile memory (col. 12, lines 15-25).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG
1/20/05

KIM VU
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